

May 27, 1993

LB 22, 98, 98A, 121, 121A, 491, 491A, 595
595A, 632, 717, 725, 725A, 741, 808, 808A
816, 816A

Also, the person accused must be shown to be the one that committed the crime. Under this bill, there is no necessity that anybody witness who actually parked the car in violation of the law. Based on that, the only evidence, if you have any, is that a citation purportedly was written at the time the vehicle was illegally parked and that the person who owns the car would have received a copy of the citation by its having been attached to the car. There has to be a presumption that attaching it to the car is going to get the citation to the attention of the person who is going to be made responsible. That person, under this bill, if the identity of the one who actually parked the car is not known, is the one who owns the car or the one in whose name the car is registered. I think that is a glaring defect. On page 5 of this handout is an excerpt from a U.S. Supreme Court case, In re Winship, 90 S.Ct. 1068, and it talks about the reasonable doubt standard and how important that is in the system of criminal justice and the aim is to make sure that innocent persons are not convicted of crimes. You are innocent if you did not commit the act of which you are accused and subsequently convicted. I think with these considerations that I have mentioned, the flaws that exist in the present law which will be aggravated by the other criminalizing language in LB 632 which creates a new crime, this bill should not pass. And if it passes, I do not think it will stand constitutional muster, and that having been said, Madam President, I will withdraw my motion.

PRESIDENT MOUL: Thank you, Senator Chambers. The motion is withdrawn. Items for the record, Mr. Clerk.

CLERK: Madam President, Enrollment and Review has carefully examined and engrossed LB 22 and find the same correctly engrossed, LB 98, LB 98A, LB 491, LB 491A, LB 595, LB 595A, LB 808, LB 808A, LB 816, LB 816A and LB 725, LB 725A and LB 741, all of those reported correctly engrossed, all signed by Senator Hohenstein. (See pages 2555 and 2561 of the Legislative Journal.) I have a series of amendments to LB 717 from Senator Hall. Bills read on Final Reading this morning have been presented to the Governor. (Re: LB 121, LB 121A. See pages 2557-63 of the Legislative Journal.) Confirmation hearing notice from Transportation Committee preceded by the reference of that employment to the Transportation Committee. That's all that I have.

PRESIDENT MOUL: Thank you, Mr. Clerk. Speaker Baack.